

1 #65909-3-104
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7 GILROY, POLICE CHIEF DENISE TURNER,
CAPTAIN SCOT SMITHEE, OFFICER
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IN THE UNITED STATES DISTRICT COURT
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FOR THE NORTHERN DISTRICT OF CALIFORNIA
10
SAN JOSE DIVISION

11 ESTATE OF GURMIT SINGH, et al.) Case No. C09-00740 EJD
12)
13 Plaintiffs,) ~~SECOND~~ JOINT REQUEST, STIPULATION,
vs.) AND [PROPOSED] ORDER SETTING
14) CASE MANAGEMENT CONFERENCE
15 CITY OF GILROY, et al.,) Complaint Filed: 2/19/09
16 Defendants.) Trial Date: 9/13/11
17) **[JURY TRIAL DEMANDED]**
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19 TO: THE HONORABLE EDWARD J. DAVILA:

20 All parties hereto, through their respective counsel, request
21 that the Court set this matter for a Case Management Conference on
22 Friday, July 15, 2011, at 10:00 a.m. This case is currently set
23 for jury trial scheduled to commence on September 13, 2011, but the
24 Pre-Trial Conference date that was set for August 29, 2011, has
25 been vacated by the reassignment orders, and all interim deadline
26 dates have been vacated as well. The parties filed a Joint Case
27 Management Statement on May 5, 2011, as required by the Court,
28 seeking clarification of the issues herein, but received no Case

1 Management Order from the Court. Further, counsel has been
2 advised, by Court staff, that criminal cases have received
3 preferential trial setting on Judge Davila's docket through the
4 remainder of 2011.

5 Therefore counsel and the parties wish to resolve, with the
6 Court, the apparent discrepancies in the current case scheduling
7 orders, and wish to assure an appropriate setting of the jury trial
8 in this matter, for a date certain.

9 RESPECTFULLY SUBMITTED,

10 Date: June 28, 2011 CASPER, MEADOWS, SCHWARTZ & COOK

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/ Signed /

13 BY: ANDREW C. SCHWARTZ
Attorneys for Plaintiff,
ESTATE OF GURMIT SINGH, et al.

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Date: June 28, 2011 BURTON, SCHMAL & DIBENEDETTO, LLP

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/ Signed /

18 BY: TIMOTHY J. SCHMAL
BURLEIGH E. SABIN
Attorneys for Defendants,
CITY OF GILROY, POLICE CHIEF DENISE
TURNER, CAPTAIN SCOT SMITHEE, SERGEANT
STANFORD, OFFICER RODRIGUEZ, OFFICER
JAQUEZ, and OFFICER HEATH.

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ORDER

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This case is hereby set for a Case Management Conference on
Friday, July 15, 2011, at 10:00 a.m., in the San Jose Courthouse,
Courtroom 1, 5th Floor, 280 South 1st Street, San Jose.

IT IS SO ORDERED.

Date: June 30, 2011



THE HONORABLE EDWARD DAVILA,
JUDGE OF THE U.S. DISTRICT COURT.